

REMARKS

The arrangement of the specification did not conform to the order described in 37 C.F.R. §1.77(b) and has been amended accordingly. The appropriate headings have been added to the specification and portions of pages 1 and 2 have been amended to include the headings.

Claims 1 and 2 were rejected under 35 U.S.C. §112(b) as being anticipated by *Failla*

Claim 1 has been amended herein to recite that each branch has a central loop encircling 360°. Each branch has a first section joined to a second section in the same plane as the 360° loop. The end of the second section of each branch is at an angle of 90° with respect to the second section and the end is slightly bent toward the central loop.

Support for amended claim 1 is shown in FIGS. 1-3.

It is submitted that none of the embodiments of *Failla* disclose nor suggest a device having two branches, each having a loop of 360°. Neither do the embodiments of *Failla* suggest nor disclose two sections in the same plane as the loop with an end at an angle of 90° with respect to the loop.

Claim 2 has been amended to clarify the groove as being an arcuate bend in the planar second section as shown in FIGS. 1 and 2. The groove is not a right angle bend between two sections as interpreted by the Examiner.

Since the cited references do not describe all of the elements of the claimed invention, lifting of the 35 U.S.C. §102(a) basis for rejection is respectfully requested.

Further, it is noted that the forceps of the present invention is directed toward use with facial bones and which is used only during the time of the surgery. It is removed immediately after

surgery. The tissue staple of *Failla* is used during eye surgery and, generally, is not removed from the eye following surgery. (column 7, lines 10-11). It is submitted that there is no motivation for persons skilled in the art of orthopaedic surgery of maxillary bones to consider staples used for implantation in the eye.

It appears that all matters have been addressed satisfactorily, and that the case is now in condition for a complete allowance; and the same is respectfully urged.

However, if the Examiner has any comments or questions, or has any suggestions as per MPEP 707.07 (d) and (j), for putting the case in condition for final allowance, he is respectfully urged to contact the undersigned attorney-of-record at the telephone number below, so that an expeditious resolution may be effected and the case passed to issue promptly.

Respectfully submitted,

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